



02-26-07

DATE

Doc Code:

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
HER0098

First named inventor: William Goggin et al.

Application No.: 10/078,830

Art Unit: 3653

Filed: February 19, 2002

Examiner: Jeffery A. Shapiro

Title: METHOD OF STORING TEST DATA IN A FUEL DISPENSER

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

RECEIVED
MAR 01 2007
OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ A CONTINUATION APPLICATION (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/27/2007 GNORD0F2 00000012 10078830 1500.00 00 01 FC:1453

Doc Code:

PTO/SB/64 (09-06)

Approved for use 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

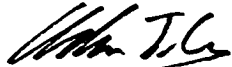
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

Adam F. Cox

Typed or printed name

BAKER & DANIELS LLP

Address

111 East Wayne Street, Suite 800, Fort Wayne, IN 46802

Address

February 23, 2007

Date

46,644

Registration Number, if applicable

260-424-8000

Telephone Number

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

February 23, 2007

Date



Signature

Adam F. Cox

Type or printed name of person signing certificate

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Sherry Brinkley
#7

Reviewer: ORB

Date: 2-23-07

APPLICATION NO. 10/078830

1. PETITION TYPE CODE

 R137(a) Petition----- 501
 R137(a) Petition----- 509
 (Issue Fee/Dwgs)
X R137(b) Petition----- 502
 R137(b) Petition (IFEE/DWG)----- 510

 R53(e) Filing Date----- 412
 R137(f) Petition----- 536
 R183 Pet. (waive R67 sup. dec.)- 516
 R182 Petition--(inv. name chg., order
 of inv., atty/assig. name chg., dup.
 let. pat.) ----- 519
 R182 Petition - (omit.items
 w/postcard) ----- 520
 R183(susp./waive ex. rule, R59)-503
 R378(b/e) Petition----- 532
 R378(c) Petition----- 533
 R377 Petition----- 521
 R3.81(b) Petition----- 523
 R181 Petition (rev. non-exam)---- 515
 R181 Petition (rev.exam) ----- 504

PETITION TYPE CODE

 R28c Petition (small to large)--- 321
 R28c Petition (large to small)--- 320
 R47 Petition----- 313
 R53 Petition(Lost App., postcard
 rec., inc. by ref., conversions,
 misnum/mislabel. dwgs----- 408
 R10(d) Exp. Mail FD (USPS)----- 411
 R10(c/e) Exp. Mail FD----- 416
 R53 Pet. conv. to/from prov.--- 527
 R78(a)(3)/(6)Petition----- 535
 R55(c) Petition----- 535
 R55(a) Petition----- 507
 R183 Petition
 (corr.data 85b/pat)----- 538

 R314 Petition----- 508
 Pet. W/D Abn----- 525
 R705(b) PTA-Bef iss----- 550
 R705(d) PTA-Aft iss----- 551
 R705(c) Reinstate red. term.--- 552
 R701 PTE ----- 553
 Other _____

2. LIST PAPERS FILED WITH PETITIONS

<u> </u> PreAmdt/Amdt	<u> </u> CPA	<u> </u> Associate POA
<u> </u> Filing Fees	<u> </u> RCE	<u> </u> Terminal Disclaimer
<u> </u> Reply/Arguments	<u> </u> IDS	<u> </u> Change of Address
<u> </u> Election	<u> </u> 129(a) Submsn	<u> </u> Revocation/POA
<u> </u> Notice of Appeal	<u> </u> Issue Fee	<u> </u> Priority Documents
<u> </u> Brief (3)	<u> </u> Drawings	<u> </u> Request C of C
<u> </u> Reply Brief	<u> </u> Oath/Decl & POA	<u> </u> Rule 312 Amdt
<u> </u> Declaration R132	<u> </u> Ext Time ()	<u> </u> Statement 3.73b

Other Papers _____

3. Is paper a petition to withdraw holding of abandonment: yes no
 If so, send paper and/or file to appropriate location (Note: remove any flag set first):

- a. Nonreceipt of action from TC or assertion that reply was timely filed:
 Send paper to TC _____
- b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
 Send paper to -OIPE - -CP2-5B26- - ATTN: Doshie Day
- c. Assertion of timely payment of issue fee and/or submission of drawings:
 Send petition to Office of Publications: ATTN: Tom Hawkins
- d. Other _____

4. Other: _____

If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division; etc.)

36m1-36X1
01/08/07